

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CIVIL ACTION NO.: 14-CV-1304
14-CV-1307

JAMES H. FISCHER,
Plaintiff,

v.

DECLARATION OF SANDRA F.
FORREST

STEPHEN T. FORREST, JR.
SANDRA F. FORREST,
SHANE R. GEBAUER, and BRUSHY
MOUNTAIN BEE FARM, INC.
Defendants.

1. I am over the age of eighteen (18) years, of sound mind, and competent to testify as to the matters contained herein.
2. The 2002 catalog was the first Brushy Mountain catalog that included Bee-Quick, along with about 1000 other products.
3. In preparing the initial ads for the catalog, Brushy Mountain hired a draftsman to make line drawings of the product and developed the ad as reproduced below:

Fischer's Bee Quick™		
This 100% Natural, non-toxic blend of oils and herb extracts works just like Bee Go® and it smells good! Fischer's Bee Quick™ is a safe, gentle, and pleasant way to harvest your honey. Are you tired of your spouse making you sleep in the garage after using Bee Go®? Are you tired of using a hazardous product on the bees you love? Then this is the product for you!		
Catalog #779	Fischer's Bee Quick™ (7 oz.)	Shp. Wt. 1 lb. \$12.75
Catalog #779G	Fischer's Bee Quick™ (1 Gallon)	Shp. Wt. 15 lbs. \$63.50




Exhibit L (Continued) – Defendant's 2006 Catalog Section For Fischer's Bee-Quick

4. I designed the layout of the above ad in item 3 from our 2006 catalog, including the placement of the bottle, placement of the text, adding Fischer's Bee-Quick above the text, and including the catalog and pricing information below the text. As evidenced by Exhibit A, attached hereto, the Bee-Quick ad is identical in layout to other ads I designed in the Brushy Mountain catalog.
5. I have never personally had a website or a catalog.
6. I did not create the text or the ad for Natural Honey Harvester or draft the phrase "For years we have promoted the use of a natural product to harvest honey but an unreliable supply of such a product has forced us to come out with our own."

7. I did not provide Natural Honey Harvester or ship Natural Honey Harvester to anyone when they ordered Bee-Quick as claimed by Mr. Fischer.

8. I did not remove any metadata from any photographs Mr. Fischer may have provided to Brushy Mountain and did not remove any copyright notices from any materials Mr. Fischer may have provided.

9. I did not order the creation of website URLs that contained the terms "Fischer" or "Fischer's Bee-Quick" as alleged by Mr. Fischer.

10. I did not encourage "The Honey Hole" or "C&T Bee Supply" to use the Natural Honey Harvester ad, and I never assisted "The Honey Hole" or "C&T Bee Supply" in the use of the Natural Honey Harvester ad, if they in fact used the ad as Mr. Fischer claims.

This the 17th day of April, 2017.

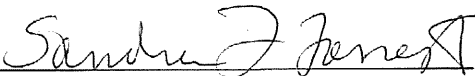

Sandra F. Forrest

Exhibit A

TAKING OFF HONEY

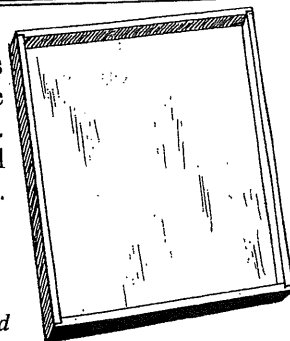
2008
 with chemical fumigants is very easy. All you need to do is squirt the chemical onto a fume pad. I squirt a corner and then make two big circles inside the pad. Before I put the fume pad on a hive I heavily smoke where I am putting the fume pad. Now you place the fume pad on the hive and wait. The time to vacate on the temperature and sun and you will quickly realize how long it takes. All odor will leave the supers quickly and the bees will not be prone to rob each other.

Fume Pad


Fume pads will remove more honey faster than any other method. One person can operate three pads at a time and can remove honey almost as fast as you can carry it. Given a little time the bees leave the honey supers and do not get as upset with these products as they do with brushes or blowers. Experience will enable you to master this method of honey removal. Basically you apply a small amount of whatever chemical you use to the pad and place it on top of the super you wish to remove. Wait time is determined by temperature.

Catalog # 777	Fume Pad.....	Shp. Wt. 4 lbs.	\$ 9.95
Catalog # 777F	Fume Pad and Fischer's Bee Quick.....	Shp. Wt. 5 lbs.	\$19.95

Fischer's Bee Quick™ works fast and does not have a foul odor. Take advantage of our special offer on our Fume Pad and Fischer's Bee Quick™ combo.




Bee Go®



Bee Go® works remarkably well removing honey and doesn't upset the bees! One person alone can take off more honey than two people using a blower, which is why we do not sell blowers. When you put a fume pad on top of a super you will be amazed at how quickly the bees vacate the premises. This chemical makes a hard, hot job enjoyable. Bee Go® has a very, very bad odor and will run bees off capped honey but not brood. It will not leave this odor in your honey if you follow directions and remove immediately after it has worked. We also recommend storing your used fume pads away from anywhere you can smell them. This cannot be shipped by Air.

Catalog # 778	Bee Go® (1 pint).....	Shp. Wt. 4 lbs.	\$13.95
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Fischer's Bee Quick™



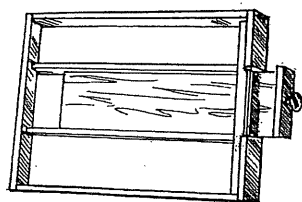
This 100% Natural, non-toxic blend of oils and herb extracts works just like Bee Go® and it smells good! Fischer's Bee Quick™ is a safe, gentle, and pleasant way to harvest your honey. Are you tired of your spouse making you sleep in the garage after using Bee Go®? Are you tired of using a hazardous product on the bees you love? Then this is the product for you!

Catalog # 779	Fischer's Bee Quick™ (7 oz.)	Shp. Wt. 1 lb.	\$12.95
Catalog # 779G	Fischer's Bee Quick™ (1 Gallon)	Shp. Wt. 15 lbs.	\$68.00

STORING DRAWN EXTRACTING FRAMES

After you extract your honey you need to store your drawn combs until next season. Wax moths can get into the supers and destroy your combs. Para-Moth® is the only chemical registered for this.

Para-Moth® Drawer




One of our customers came up with this design and we were so impressed we are offering it to you. It is a frame with measurements of an inner cover which has a drawer in it. It is used on top of your stack of supers to deliver para-moth when you store them for the season. You pull the drawer

out and you put your para-moth on it. When you have to check the chemical in 3 weeks, just pull the drawer out and add more if necessary. The drawer stays in place on top of the stack and makes the chore of checking and adding additional para-moth a breeze. The Para-Moth Drawer is well made with weather stripping and will not leak!

Catalog # 480	Para-Moth, Drawer.....	Shp. Wt. 4 lbs.	\$16.95
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Para-Moth®



We sell Para-Moth® (paradichlorobenzene) for wax moth control. This product is labeled for use in every state except California. Stack your empty extracting supers on top of each other tightly and put 3 oz of crystals (6 tablespoons) on top of newspaper, cardboard, or a paper plate on the top of the stack. Cover the stack with a telescoping cover and make everything as airtight as possible. The gas produced is heavier than air and will escape. Keep a check on your supers every 3 weeks or so. Only stack up 10 shallow supers or 5 Hive Bodies in one stack. Stored combs must be thoroughly aired out before returning them to the bees. Do not use on any honey for human consumption. Follow all the instructions exactly. 35 lb. Para-Moth® requires an additional handling fee of \$6.50 by UPS.

Catalog # 620	Para-Moth® 1 lb.....	Shp. Wt. 2 lbs.	\$ 9.50
Catalog # 621	Para-Moth® 5 lbs.....	Shp. Wt. 6 lbs.	\$25.50
Catalog # 636	Para-Moth® 35 lbs.....	Shp. Wt. 37 lbs.	\$124.00

1-800-233-7929

